



Condemnation Section

841 N. Broadway, Room 105, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

A Demolition Permit will not be issued until all of the following items are submitted and approved. Please go to www.milwaukee.gov/permits to apply for a Demolition Permit.

1. Bond
 - a. Bond for one-time demolition must be for \$20,000 (example attached)
 - b. Bond for annual demolition must be for \$100,000 (example attached)
2. Certificate of Insurance (must be approved by City Attorney)
 - a. City of Milwaukee must be on endorsement as additional insured.
3. Asbestos and environmental survey completed by qualified inspection/testing agency
4. Ten(10) day DNR or DHS notice of demolition work (example attached)
5. Plumbing permit
 - a. To seal sewer and water
 - b. Must be obtained by a licensed plumber
6. Signed water affidavit OR approved hydrant permit (from the DPW)
7. Erosion control plan and erosion control permit
8. If applicable, Contractor shall provide plan for the location and removal of any and all above ground and underground storage tanks (a separate permit is required).
9. For primary structures that are not condemned
 - a. A street-view color photograph of the structure must be uploaded to the documents of your demolition permit. No Google photos allowed.
 - b. The address and date of photograph must be clearly labeled on the picture
 - c. These structures will go through historic review (if in an historic area)
 - d. Year built
 - e. Dimensions (square footage of area to be disturbed by demolition)
10. If the property was built in 1929 or earlier, and not a commercial building, you will need to fill out a deconstruction form. (The decon ordinance is now suspended from February 2019 - March 2020). The forms for this can be found at www.milwaukee.gov/decon.

Condemnation Policy for Moving Raze Permits from OPEN Status to IN PROGRESS Status:

This will apply for properties that are not condemned, therefore they will need a 16-working day hold. This hold is meant to give adequate notice to certain sections, offices and the public that a property is being razed. There are two items we will need to progress from OPEN Status to IN PROGRESS Status and to start the 16-working day hold letter:

1. A current street view photo of the property uploaded into the documents of the raze permit. No google photos or real estate photos allowed. This is to be done by the contractor.
2. The permit is to be paid in full.

When all of the above items are obtained, a demolition permit may be applied for. If the structure being removed is a primary structure that is not condemned, the demolition permit will be issued 16 working days from the date that the photo was uploaded into the documents. If the building is on the National Historic Register or has local historic designation, the permit will be issued 30 calendar days from the date of the photo to be uploaded into the documents. Please note that contractors are responsible for all documents being uploaded into their demolition permit. All permit fees must be paid before the permit will be issued.

City of Milwaukee
Department of Neighborhood Services
WRECKER'S AND/OR MOVER'S PERFORMANCE BOND

KNOW ALL PEOPLE BY THESE PRESENTS, That we, _____

_____, as principal, and _____
_____ as surety are held and firmly bound unto the CITY OF MILWAUKEE, in the penal sum of One-Hundred Thousand Dollars (\$100,000) to be paid to the said City of Milwaukee, its successors or assigns, for which payment, well and truly made, we bind ourselves and ourselves, heirs, executors, and administrators, or successors and assigns, as the case may be, jointly and severally, firmly by these presents.

Signed, sealed and dated the _____ day of _____, _____.

NOW, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said _____
_____ be granted a permit for wrecking and/or moving in the City of Milwaukee, and if the permit holder shall perform and sufficiently complete all work for which said permit is issued in accordance with all ordinances of the City of Milwaukee within a reasonable time as to fully protect the public health, safety and welfare and if said

_____ shall
reimburse the City of Milwaukee for all damages to any city property resulting from the operation, regardless of whether such damage is done by the permit holder, the permit holder's agents, employees or subcontractors, then this obligation shall be void, otherwise it shall have full force and effect.

This bond shall cover all work done under any permits for wrecking and/or moving issued to the principal obligator during the calendar year _____.

IN PRESENCE OF

_____(SEAL)
_____(SEAL)
_____(SEAL)

AFFIDAVIT

STATE OF WISCONSIN
MILWAUKEE COUNTY } S.S. _____ first

being duly sworn on oath deposes and says that he is an Attorney-in-fact of the _____
_____ Company, surety on the attached bond, executed by _____

(contractor)

Affiant further deposes and says that no officer, official or employee of the City of Milwaukee has any interest directly, or indirectly, or is receiving any premium, commission, fee or other thing of value on account of the sale or furnishing of the policy, bond, undertaking or contract of indemnity, guaranty or suretyship in connection with the above mentioned contract.

Subscribed and sworn before me
this _____ day of _____, _____.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____

July 28, 2014

I:\Demo Permit Packet\Application for Demo Permit.docx



rendered and materials, tools and equipment supplied for the performance of the work under this Contract in favor of all persons, firms or corporations rendering such labor or services or supplying such materials, tools or equipment.

4.4.13. Insurance

A. General Liability

The Contractor shall furnish to the Commissioner, prior to the start of work, certificates of insurance, duly executed by the Contractor indicating the Contractor holds a policy of general liability providing coverage for each of the following categories, and for at least the amounts listed:

Bodily Injury/Property Damage ("Occurrence Coverage")		
each occurrence		\$1,000,000
general aggregate		\$1,000,000
products/completed		
operations aggregate		\$1,000,000

Personal Injury		
	aggregate	\$1,000,000

The policy shall include independent contractors (owners/contractors protective) and contractual coverage.

B. Umbrella Liability

Each contractor shall carry and provide proof of coverage in the following amounts:

Personal Injury/Property Damage		
each occurrence		\$5,000,000
aggregate		\$5,000,000

C. Worker's Compensation Insurance

The Contractor shall carry or require that there be carried Worker's Compensation insurance for all employees and those of any subcontractors engaged in work at the site, in accordance with State of Wisconsin Worker's Compensation Laws, Chapter 102, Stats.

D. Proof of Coverage

Before a contract will be awarded to it, the Contractor shall submit evidence of the insurance coverage required above to the Commissioner for review and approval. The policies shall be scheduled on approved forms, and approved as to form and execution by the City Attorney's Office. New policies from other companies shall be provided in place

of those disapproved. Such insurance shall be carried with financially responsible insurance companies, licensed in the State and approved by the City Attorney, and shall be kept in force until the Contractor's work is accepted by the Commissioner. Contracts of insurance (covering all operations under this contract) which expire before the completion of all work to be performed under this contract shall be renewed and extended at least up through and including the date of such completion and evidence submitted to the Commissioner for approval.

E. Additional Requirements

The Contractor's policies of insurance, except for Worker's Compensation, shall specifically name the City of Milwaukee as an additional insured.

The said insurance carrier shall be authorized to sell insurance in the State of Wisconsin and shall submit its agent's license with the certificate. Such certificate of insurance shall also have affixed thereto an affidavit setting forth that no officer, official or employee of the City has any interest, directly or indirectly, in any premium, commission or fee, or furnishing of such certificate of insurance.

Any insurance provision listed herein requiring a change in the types or amounts of coverages previously required of contractors shall become effective on the next policy renewal date for all existing policies in effect on the date the contract is entered into.

F. Indemnification

The Contractor shall indemnify, defend and hold harmless the City of Milwaukee, its officers, employees, and agents, against all liability for damages occasioned by the digging up, use or occupancy of the street, alley, highway, public grounds, and private grounds, or which may result therefrom, or which may result in any way from the negligence or carelessness of the Contractor or the Contractor's agents, employees, or workers, by reason of the elements, unforeseen or unusual difficulties, obstructions, or obstacles encountered in the prosecution of the work. Further, the Contractor shall indemnify and hold the city harmless for all claims and liabilities, actions, causes of action, and liens for materials furnished or labor performed in the execution of the work and from all costs, charges, and expenses incurred in defending such suits or actions and from and against all claims and liabilities for injury or damage to persons or property emanating from the acts, errors, omissions and negligence of the Contractor, including but not limited to defective or careless work methods.

4.4.14 Unforeseen Delay

If the City is prohibited or enjoined from proceeding with the work or from authorizing its prosecution, either before or after its commencement, by reason of any litigation or otherwise, the Contractor shall not be entitled to any damages by reasons of the delays thereby caused, except for the actual cost of protection of such work as the Contractor may have underway, for the cost of removal and replacement of such tools, plant, and materials, as the Contractor may have delivered upon the work site, which cost is to be determined by the Commissioner, and for the recovery of such costs as are expressly set forth in sec. 4.3.10.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Owens Insurance Agency P.O. Box 4569 Milwaukee WI 53202	CONTACT NAME: Lynne Owens PHONE (A/C, No, Ext): 414-555-1202 E-MAIL: sunnyslady@gmail.com FAX (A/C, No):														
INSURED Damski Brothers & Company 1234 Kraco Lane Krausville WI 53415	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td></td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A:		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER F:															

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			AB12345			EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/PO/AGG \$ 2,000,000 \$
<input checked="" type="checkbox"/>	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			BC45678			COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
<input checked="" type="checkbox"/>	UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			DE78965			EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MI) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	N/A	FG12345			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

For wrecking and razing of buildings. The City of Milwaukee as an additional insured.

CERTIFICATE HOLDER City of Milwaukee Department of Neighborhood Services 841 N Broadway St, Room 105 Milwaukee WI 53202	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
CG 20 37 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – COMPLETED OPERATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location And Description Of Completed Operations
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
CG 24 04 10 93

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

The TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US Condition (Section IV - COMMERCIAL GENERAL LIABILITY CONDITIONS) is amended by the addition of the following:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.

ASBESTOS PROJECTS

Asbestos project means any form of work performed in connection with the alteration, renovation, modification or demolition of a building or structure that will disturb more than 260 linear feet or more than 160 square feet of friable asbestos.

Before application is made for demolition of a facility containing regulated asbestos-containing material as defined by Milwaukee Code of Ordinances 66-10, DNR Chapter NR 447, EPA NESHAP regulations 40 CFR 61, subpart M, or EPA AHERA 40 CFR Part 763; the applicant shall submit a statement from an asbestos inspector, contractor/supervisor, management planner or asbestos project designer certified by the State of Wisconsin declaring whether the work required will include an asbestos project. If it is declared that an asbestos project will be included in the work, the permit under S200-24 shall not be issued by the Commissioner of City Development unless the applicant has first obtained an asbestos project permit from the Department of Neighborhood Services – Environmental Nuisance Division. Please call (414) 286-3280 for more information.

A notice must be filed with the Department of Natural Resources (DNR) OR Department of Health Services (DHS) ten (10) working days prior to beginning any renovation or demolition activity that includes an asbestos project. A sample notice is attached.

AFFIDAVIT OF PRIVATE WATER

State of Wisconsin)
) ss
County of Milwaukee)

I, _____, of _____,
(owner/authorized agent) _____ (name of company)
being duly sworn on oath deposes and states on the _____,
day of _____ that this company is applying for a
permit(s) to raze structure(s) at _____,
and will provide its own private source of water in lieu of
obtaining a municipal hydrant permit. This contractor agrees
that any alternate water source will operate at adequate
pressures and volumes to minimize and control the discharge of
dust or other airborne particulates during demolition, loading
and hauling per the requirements of Milwaukee Code of Ordinances
80-6.2, 218-6-4 and 236-41.

This contractor understands that sanctions including ordered work stoppage, municipal citations and permit cancellations may result from violations of this requirement.

Signature

Signature

Subscribed and sworn to before me

this day of _____, 20____.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Martin G. Collins
Commissioner
Tracy Williams
Chief Operations Officer

February 4, 2004

To: Demolition Contractors

Re: Required Erosion Control Measures for Demolition and House Moving Activities


Effective immediately, house moving and razing permits will not be issued until an erosion control permit has been obtained per the requirements of Chapter 290 of the Milwaukee Code of Ordinances. The only exception to this is the moving or razing and removal of detached residential accessory structures where concrete slabs are to remain.

This requirement applies to both city contract work as well as private demolitions. All measures must be installed on site prior to moving or demolition activities commencing. All measures must remain in place until permanent site stabilization is achieved. In cases of City of Milwaukee contracted work, responsibility for the control measures will revert back to the city when the inspector approves both the razing rough grade and verifies erosion control measures left on site unless otherwise noted in contract. Private raze sites will remain the responsibility of the permit holder until permanent site stabilization is achieved.

Erosion control permits may be applied for and obtained at the permit desk at 809 N Broadway. Copies of the ordinance can be viewed at <http://www.ci.mil.wi.us/citygov/council/tableofcontents.htm>. When you get to this page, scroll down to Vol. II, chapter 290- Erosion Control.

Please feel free to call me at 286-2515 if you have any questions.

Sincerely,


Chris Kraco
Assistant Supervisor of Condemnation

Cc Commissioner
Development Center

PLEASE SIGN TO ACKNOWLEDGE RECEIPT OF THIS NOTICE IF YOU BID ON CITY OF MILWAUKEE
DEMOLITION PROJECTS. FAX BACK TO 414-286-0437

Signature of Contractor

Date

Printed Name

Company Name



Permit & Development Center

809 N. Broadway, Milwaukee, WI 53202 | (414) 286-8210 | milwaukee.gov/permits | DevelopmentCenterInfo@milwaukee.gov

City ordinances require control of on-site erosion for all construction and filling activities. Erosion must be controlled by:

- Preserving, to the extent possible, existing vegetation.
- Properly installing and maintaining erosion control measures.
- Immediately cleaning adjacent streets and sidewalks of tracked sediment.

Required erosion control measures

For sites less than one acre, applicants must submit a simple map and statement to briefly describe the site and erosion controls, including the site development schedule, that will be used to meet the requirements of City ordinance.

For sites greater than one acre, applicants must submit four sets of plans, a statement of operation, and project schedule, all in accordance with Ch. 290-9-1 of the Milwaukee Code of Ordinances.

Tracking

Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning, other than flushing, immediately.

Certification

The erosion control certification (below), signed by the individual responsible for maintaining erosion control at the site, must be submitted before the permit is issued.

Performance deposit

A performance deposit equal to \$0.50/SF of disturbed area shall be provided as a condition of permit issuance. The deposit may be in the form of an irrevocable letter of credit, bond, or certified check. The minimum deposit is \$500.

It will be returned upon successful completion of the project. Deposits are **not** required for projects involving one- and two-family homes.

Enforcement

Enforcement provisions are included in section 290-15, Milwaukee Code of Ordinances.

Erosion control certification

Address of parcel(s)

Disturbed land area

SF

LMS ID#

Owner/agent

Address

Phone

Fax

Email

As owner or agent I certify that I understand the conditions of this statement and that I will comply with the provisions of Ch. 290 Milwaukee Building and Zoning Code as required to mitigate construction site erosion. I acknowledge all enforcement correspondence will be sent to me.

Signature

Date



Erosion control during construction

809 N. Broadway, 1st Floor / Milwaukee, WI 53202-3617 / 414-286-8211

Local, State and Federal laws require that erosion and the resulting sediment be controlled during construction activities. Plans submitted for new construction, additions, parking lots, and other projects involving earth-disturbing activities must include a plan indicating what erosion control measures will be used during the construction project. These plans are reviewed for substantial compliance with State and City requirements.

Submitting plans for review

Erosion control plans must be submitted to the Development Center along with the plans submitted for construction permit review. Plan submittal is done on an appointment basis. Call (414) 286-8210 to set up the review appointment.

Submittal requirements

The following items must be submitted for the plan review:

- **Four (4) copies of the erosion control plan.** This plan should include the construction schedule, and identify all erosion control measures that are to be used to prevent sediment from leaving the construction site. The plan should include site topography, illustrate drainage systems and patterns, and show the location and dimensions of all land disturbing activities and stockpiles.
- The **Erosion Control Certification** must be completed and signed.
- **Plan examination fees** (\$110 for sites less than 1 acre, \$165 for sites of one acre or greater)

An incomplete submittal may delay the review process.

Plan review and permit

During the plan review, the plan examiner will complete the permit application and, in some cases, produce a plan review letter citing the

significant code issues that may not have been adequately addressed on the construction documents.

When the plan review is completed, the applicant will be contacted by the Development Center and told that the permit is ready. The applicant will also be informed of the permit fee. The applicant may sign the permit application, pick up the approved plans, and pay the fee from 8:00 a.m. to 4:30 p.m. Monday through Friday at the Development Center.

The permit is issued only after the applicant has submitted an erosion control performance deposit equal to \$0.50 per square foot of disturbed area. The deposit is held until the construction inspector has determined that the site is stabilized and the deposit may be released. The deposit may be in the form of:

- An irrevocable letter of credit
- A performance bond
- A cashier's check

The requirement for an erosion control performance bond may be waived for construction of one- and two-family homes.

Permit conditions

Erosion control permits are issued subject to several conditions, including the following:

- The assigned inspector must be notified within 48 hours of beginning any land disturbing activity.
- The inspector must be notified of completion of control measures within 14 days.
- Erosion control measures must be inspected and repaired weekly and after each rain totaling one-half inch or more.

Rvsd 031008

Sample: Historical Hold Waiver Request

[Date]

City of Milwaukee
Department of Neighborhood Services
200 E. Wells, Room B4
Attn: Paul Jakubovich
Preservation Planner
Historic Preservation

Re: Demolition of [Use]
[Address]

The purpose of this letter is to request a waiver of the 16 day historical hold on the property located at [Address], MCO 200-26-5, Administration and Enforcement.

The building [use], which was built in [year]. This date gives the ability to be considered for exemption since construction was within 50 years preceeding the date of application for exemption. The owner is eager for [contractor name] to begin demolition of this property.

A check in the amount of \$XXX is included for any processing fees.

Your assistance in expediting the historic hold would be greatly appreciated.

Thank you for your time and consideration.

Sincerely,

[Signature]
[Name]

CHAPTER 218
RAZING OF BUILDINGS

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218-01. Adoption of State Law. Except as otherwise provided in this chapter, the city of Milwaukee adopts s. 66.0413, Wis. Stats., as amended, as part of this code.

218-1. Scope. The regulations in this chapter shall apply to the moving of buildings, unsafe buildings and structures, condemnation of buildings and structures, demolition, abandoned buildings and are intended to supplement the provisions of s. 66.0413, Wis. Stats.

218-2. Moving of Buildings. 1. PERMITS. No building or structure shall be moved without first obtaining a permit from the commissioner. When any building or structure is to be moved over any public thoroughfare, a separate permit shall also be obtained from the commissioner public works.

a. The application for a permit shall conform to the regulations of ch. 200, and shall show the type of construction of the building or structure, its occupancy and use, its location, and the intended occupancy and use in the new location.

b. The commissioner may require a statement from a registered architect or engineer approving and outlining the moving process for large or unusual buildings prior to issuance of the permit.

2. BUILDINGS OR STRUCTURES WHICH CAN BE MOVED. A permit may be granted for the moving of any building or structure which is structurally sound and safe

from one location to another location on the same premises, or from one premises to another premises, provided such building or structure conforms to the regulations of this code.

3. BUILDINGS AND STRUCTURES WHICH CANNOT BE MOVED. No permit shall be granted for the moving of any building or structure, or portion thereof, which has deteriorated or been damaged to an extent greater than 50% of the assessed value of the building or structure.

4. CONTINUOUS MOVING OPERATION. The moving of a building or structure shall be a continuous operation. The storage of such building or structure on any property, unless approved by the commissioner of city development, is prohibited.

218-3. Wrecker's and Mover's Bond and Insurance. 1. PERFORMANCE BOND. a. Before any permit is issued for the moving, wrecking, razing or demolishing of a building or structure, except as provided for in sub. 3, the applicant shall file with the commissioner a performance bond and a certificate of insurance.

b. The wrecker's and mover's performance bond shall be executed by the applicant and a corporate surety, and shall provide in substance that the applicant and surety are firmly bound unto the city in the penal sum of \$20,000 or in such other amount as the commissioner shall deem necessary, and that such bond shall be void if the applicant shall perform and sufficiently complete all work for which the permit is issued in accordance with all ordinances of the city within a reasonable period of time, or within the time specified on the permit, and shall reimburse the city for all damages to any city property resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employees or subcontractors. The corporate surety shall be authorized to execute bonds in the state of Wisconsin and have a power of attorney on file in the city attorney's office.

c. Any person wishing to apply for more than one permit to wreck, raze, demolish or move structures or buildings in the city in any calendar year, in lieu of filing a separate bond for each permit, may file a bond under the same

218-4 Razing of Buildings

terms and conditions set forth in par. b, binding the surety to the sum of \$20,000 for each permit issued, but with an annual calendar aggregate limit of \$100,000.

2. **INSURANCE.** a. Applicants for a wrecker's or mover's permit shall furnish the commissioner of city development a certificate of insurance indicating the applicant holds a general liability policy in the sum of at least \$1,000,000 covering bodily injury, property damage and personal injury. The \$1,000,000 coverage shall be provided for each occurrence, for general aggregate, and for products/completed operations aggregate. The policy shall name the city as an additional insured. The applicant shall indemnify and save the city, its officers and agents, harmless against any and all claims for injuries or damages and any and all costs or expenses in connection therewith resulting or arising from any act or omission on the part of the applicant, his or her agents, employees and subcontractors. The insurer shall notify the city in writing at least 60 days prior to the cancellation of any certificate of insurance afforded hereunder, the certificate to be in full force and effect as to any permits issued prior to cancellation and all work done under said permits.

b. The insurance carrier shall be authorized to sell insurance in the state of Wisconsin and have an agent's license on file in the city attorney's office.

3. **EXCEPTION.** The owner of any premises who wishes to wreck, raze or demolish a building on the premises, provided that the volume of such building or structure does not exceed 18,000 cubic feet, and there is no sewer or water service in such building connected to a private or public water or sewer system, may be granted a permit without providing the aforesaid performance bond and insurance.

218-4. Razing of Structures. 1. **REPAIR OR RAZE.** All such unsafe buildings, structures or parts thereof as defined in s. 200-11 or consistent with the conditions specified in s. 218-9-1, are declared to be a public nuisance, endangering life, limb, health or property, and shall be repaired and made safe, or razed and removed in compliance with this chapter, as ordered by the commissioner, pursuant to the authority provided in s. 66.0413(4), Wis. Stats.

2. **RAZE.** a. An order to raze, remove and restore the site to a dust-free and erosion-free condition shall be served on the owner, operator or the owner's agent where the agent is authorized to receive service of process on behalf of the owner. Service of the order shall be in the manner provided for service of a summons pursuant to ch. 801, Wis. Stats. If the owner, operator or the owner's agent cannot be found, or if the owner is deceased and an estate has not been opened, the order may be served by posting it in a conspicuous place on the premises and by publishing it as a class 1 notice, under ch. 985, Wis. Stats., before the time limit in the order commences to run. The time limited in the order commences to run from the date of service upon the owner, operator or the owner's agent, or, if the owner, operator and agent cannot be found, from the date that the order was posted on the building. The order shall also be served on the holder of any encumbrance of record by first class mail at the last-known address, and by publication as a class 1 notice under ch. 985, Wis. Stats.

b. If the commissioner determines that the cost of such repairs would exceed 50 percent of the assessed value of such building divided by the ratio of the assessed value to the recommended value as last published by the Wisconsin department of revenue for the city of Milwaukee, such repairs shall be presumed unreasonable and it shall be presumed for the purposes of this section that the building is a public nuisance.

c. Acts of municipal authorities under this section shall not increase the liability of an insurer.

d. If a raze order issued under par. a is recorded with the Milwaukee County register of deeds, the order is considered to have been served, as of the date the raze order is recorded, on any person claiming an interest in the building or the real estate as a result of a conveyance from the owner unless the conveyance was recorded before the recording of the raze order.

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3. **FAILURE TO COMPLY.** If the owner fails or refuses to comply within the time prescribed, the commissioner may cause the building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use under s. 200-11-4 and 5 or 218-9-1. The cost of the razing, removal and restoration of the site to a dust-free and erosion-free condition or closing may be charged in full or in part against the real estate upon which the building is located, and if that charge becomes delinquent, it is a lien upon such real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

4. **FILING OF A NOTICE OF APPEAL.** Anyone who is served an order under sub. 2 shall, within 20 days of service or, if service is by publication, within 30 days, file a notice of appeal to the standards and appeals commission for an administrative stay of the commissioner's order to raze and remove the building and restore the site to a dust-free and erosion-free condition pursuant to s. 200-17-3-h or forever be barred. The filing of a notice of appeal shall stay the order until the hearing date. The hearing shall be held within 20 days and shall be given preference. The administrative remedies provided in this subsection are exclusive remedies.

5. **FINAL ORDER OF THE COMMISSION.** No individual is affected, as described in s. 66.0413(1)(h), Wis. Stats., by an order of the commissioner under this chapter until such time as a final determination from the standards and appeals commission finding the order of the commissioner reasonable is filed in the office of the commissioner.

6. **REPAIR PERMIT.** If the commissioner allows repairs under this section, a repair permit is required.

218-4.5. Emergency Razing of Structures.

1. The commissioner, pursuant to s. 200-12.5, may order the razing of any structure which is damaged so extensively or is so dilapidated that its physical condition in the judgment of the commissioner poses an imminent risk to the health, safety or welfare of the public.

2.a. Service of an order under this section shall be made pursuant to s. 200-12.5-3.

b. The commissioner shall consider the following when making a determination as to whether a structure should be razed under this section:

b-1. The extent that the structure is unstable.

b-2. The proximity of the structure to adjoining properties and the public right-of-way.

b-3. The cost of repairing the structure. If the cost of repairing the structure exceeds 100% of the structure's value, it shall be presumed that the structure is unsafe and poses an imminent risk to the health, safety or welfare of the public. For the purpose of this section, "structure's value" means the assessed value of the structure divided by the ratio of assessed value to the recommended value as last published by the Wisconsin department of revenue for the city of Milwaukee.

c. Acts of municipal authorities under this section shall not increase the liability of an insurer.

3. If the owner fails, refuses or is unable to comply within the time prescribed, the commissioner may cause the building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons. The cost of such razing, removal and restoration of the site to a dust-free and erosion-free condition may be charged in full or in part against the real estate upon which the building is located, and if that charge becomes delinquent, it is a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

4. Anyone who is served an order under sub. 1 may, prior to demolition, appeal to the commissioner for a review of the reasonableness of the order to raze and remove the building and restore the site to a dust-free and erosion-free condition. The order shall specify the time period in which the appeal must be brought and the procedures for making the appeal.

218-5. Temporary Safeguards. 1. When in the judgment of the commissioner a building or structure or part thereof is extremely unsafe and in danger of structural failure or collapse before demolition and removal can be started, the commissioner may order the owner or agent to immediately provide temporary safeguards as directed for the protection of the general public. If the owner fails, neglects or cannot provide

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such temporary safeguards, the commissioner may, with the aid of any available public agency, provide the necessary safeguards and charge the cost thereof against the real estate upon which the building or structure is located, and if that charge becomes delinquent, it is a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

2. The commissioner may require that such temporary safeguards be designed by a registered architect or engineer. The drawings for such structures shall be approved by the commissioner and a separate permit issued for the construction of the temporary safeguard.

218-6. Demolition and Landscaping.

1. PROCEDURE. In the demolition of buildings or structures or parts thereof, work on the structural elements shall begin at the top and, except as regulated in this section, one story at a time shall be completely removed. No wall, chimney, equipment or column of material shall be allowed to fall in mass on a floor or other construction which may be caused to fall because of such practice, except that when the surrounding area is vacant and of sufficient size, and when permitted by the commissioner, the whole or part of a building or structure may be dropped or pulled down if no persons are exposed to the hazard of falling or flying materials. All walls, floorings and structural remnants shall be removed to a depth of 2 feet below the adjacent grade.

2. REMOVAL OF MATERIAL AND EQUIPMENT. All material and equipment removed from the elevated portions of any building or structure or part thereof undergoing alterations, repair or demolition work shall be lowered to grade or other storage or disposal level by means of approved equipment or devices. Where a space on the ground or on a floor is railed off and openings in boundary walls closed, materials or equipment may be dropped into the space. This regulation shall not apply to demolition work in which the material is removed and stored or otherwise disposed of within a story height.

3. CHUTES. a. When a protected or enclosed space for the dropping of materials cannot be provided, or when so ordered by the commissioner, fully enclosed, inclining chutes of wood or metal of a size which will not readily

cause their obstruction, shall be provided for the removal of material and debris. Open chutes may be used to lower dismantled false-work or lumber from a height not exceeding 30 feet, but all other material or equipment shall be lowered by means of approved equipment or devices.

b. Enclosed chutes shall not extend in an unbroken line for more than 30 feet, but shall be equipped at intervals of 30 feet or less with stops to prevent descending materials from attaining dangerous speeds. The bottom of each chute shall be equipped with a gate or stop, with approved means for closing or regulating the flow of material.

4. SPRINKLING. All materials as handled under sub. 3 shall be sprinkled to minimize the dust.

5. PROTECTION OF THE PUBLIC AND WORKERS. Protection of the public and workers from falling material or equipment, or other hazards, and the covering of floor openings, other than those openings while in use during demolition, shall conform to the regulations of ch. 228.

6. TEMPORARY OCCUPANCY OF PUBLIC THOROUGHFARES. Permits for the temporary occupancy of public thoroughfares for the storage of materials, construction of sheds, roofs, fences and for other temporary guards, devices and equipment shall be obtained from the commissioner of public works, as regulated in ch. 115.

7. ABANDONMENT OF SEWER AND WATER CONNECTIONS. Any person, firm or corporation demolishing or moving a building or structure that is served by a private or public water or sewer system shall have such system disconnected and abandoned in accordance with s. 225-9.

8. REMOVAL OF MATERIALS, GRADING AND EROSION CONTROL. a. All materials not to be used for fill in excavated areas shall be removed from the premises as the demolition work progresses.

b. To prevent a public hazard or the creation of a public nuisance, upon completion of demolition, the premises shall, unless a permit for new construction has been issued, be filled where necessary with soil or other approved inorganic material not greater than one foot in dimension and graded to the level of the lot grade adjoining the building site, with allowance made for settlement.

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c. Once graded, the premises shall be returned to an erosion-free and dust-free condition by utilizing suitable landscaping, grass, trees, shrubs or other planted ground cover, or by other suitable means approved of by the commissioner. If the premises is located in a downtown zoning district, compliance with s. 295-705-8-a shall be required.

d. If an owner fails or neglects to comply with the provisions of this sub. within the time allotted by the commissioner, the commissioner may issue an order to the owner or the owner's agent to correct the violation. If the order expires before it is complied with, the commissioner may cause the premises to be restored to an erosion-free and dust-free condition. The cost of such action shall be charged against and be a lien upon the real estate and be assessed and collected as a special charge, as provided in s. 200-21-7.

9. **PARTY WALL.** When any building or structure adjoining a party wall is demolished, the owner of the demolished building or structure shall remove the anchors at the beam and joist end in the standing wall. All voids in such wall shall be filled with material consistent with the adjacent wall section. All plaster, furring strips, paneling, lathe, gypsum board and stair stringers shall be removed from the standing wall surface as directed and approved by the department.

10. **REMOVAL OF DRIVEWAY APPROACHES.** a. Pursuant to s. 115-25, whenever the commissioner of city development issues a permit for the demolition of all structures on a premises, and the demolition will result in the discontinuance of the use of an existing driveway, the removal of the driveway and restoration of the street pavement, curb, gutter and sidewalk shall be a condition of issuance of such permit. Such removal and restoration shall not be required whenever the owner has obtained a permit for new construction prior to demolition of the structure or structures and the existing driveway is necessary for proper access to the structure described in the new construction permit.

b. If an owner fails or neglects to comply with the provisions of par. a within the time allotted by the commissioner, the commissioner of neighborhood services may issue an order to the owner or the owner's agent to correct the violation. If the order expires before it is complied with, the commissioner may cause the driveway to be removed and cause the restoration of the street pavement, curb,

gutter and sidewalk. The cost of this action shall be charged against and be a lien upon the real estate and be assessed and collected as a special charge.

218-7. Abandoned or Unsecured Buildings. Whenever any building, structure or part thereof is abandoned or unsecured, with one or more doors or windows removed or opened, leaving the interior of such building, structure or part thereof exposed to the elements or accessible to trespassers, so that crime may be committed, the building, structure or part thereof may be deemed to be dangerous, unsafe and a menace to public safety, susceptible to theft of its contents or likely to expose the city to general liability, and may be condemned by the commissioner in accordance with s. 66.0413, Wis. Stats., or boarded by the department of public works at the request and direction of the chief of police.

218-8. Historic Buildings. 1. **STABILIZATION OF ABANDONED BUILDINGS.** Whenever a locally or nationally designated historic building, or a contributing building in a locally designated historic district, is found to be abandoned or otherwise condemnable under this chapter or s. 66.0413, Wis. Stats., or the building owner has failed to maintain the structure in accordance with the standards of s. 275-32, the commissioner may act to stabilize the structure. The cost of stabilization may not exceed 3 times the estimated cost of demolition, as determined by the commissioner. Stabilization may include, but shall not be limited to, the following:

a. Repair or replacement of deteriorated roofing, flashing and related appurtenances.

b. Boarding of windows and door openings in a manner to secure the structure.

c. Winterization of plumbing and heating systems.

d. Bracing, securing, replacing or otherwise repairing deteriorated structural elements such as roofs, floors, walls, foundations, columns and beams.

e. Tuckpointing of eroded masonry materials and replacement or repair of missing masonry units.

f. Repair or rebuilding of building elements to prevent further deterioration or damage.

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g. Removal and storage of architectural elements such as trim, moldings, ornaments, windows, doors and railings in order to protect them from theft or damage.

2. **STABILIZATION COST RECOVERY.** The cost of stabilization of an abandoned or otherwise condemnable historic building shall be charged against the real estate upon which the building is located and, if the charge becomes delinquent, it shall be a lien upon the real estate and shall be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

218-9. Unsafe or Vacant Noncompliant Buildings. 1. NUISANCE DECLARATION.

a. **Requirements for Declaration.** The commissioner may declare a building a nuisance and order the building's owner to make the building safe and code compliant or have it razed and removed whenever all of the following are true:

a-1. The building is found to be in violation of this code.

a-2. The building is unsafe and has been ordered closed, pursuant to s. 200-11, or the building is vacant and has been ordered secured pursuant to s. 275-32-7 or s. 218-4, or the building has been secured by the boarding of one or more window or door openings in whole or in part for at least 6 months and is unoccupied.

a-3. The conditions described in subds. 1 and 2 exist at least 6 months after the order to close or secure the structure has been served upon the owner.

b. **Additional Factors.** Additional factors which may be considered by the commissioner in determining whether a structure constitutes a nuisance include, but are not limited to, whether the building has been the subject of re-board or clean-up orders, complaints received by the department, or police or health department reports.

2. **POSTING OF ORDER.** In addition to complying with the service requirements of s. 200-12-3, the commissioner shall serve a copy of such order on all holders of encumbrances of record, post a copy of the order in a public place in city hall and provide a copy of the order to the department of city development.

3. **RAZING OR SIGN-POSTING BY COMMISSIONER.** If the owner fails to comply with the commissioner's order to make the building safe and code compliant or have it razed

and removed within the time specified, the commissioner may do either or both of the following:

a. Contract for the razing and removal of the structure and the restoration of the site to a dust-free and erosion-free condition.

b. Post a sign which indicates the address of the building, the fact that the building has outstanding code violations and has been boarded-up for at least 6 months, the name, address and telephone number of the owner, and any available information on related court dates, as specified in sub. 4. The same information shall also be published in one or more daily newspapers, as specified in sub. 5.

4. **PROCEDURE FOR POSTING SIGN.** Any sign posted pursuant to sub. 3 shall be affixed to, or placed within 10 feet of, the building to which the sign pertains. Such sign shall indicate the address of the building and the fact that the building has had outstanding code violations and has been boarded-up for at least 6 months. Such sign shall also indicate the name and last known home address of the owner as determined by the department from the city's tax rolls or from the property ownership recording information required pursuant to s. 200-51.5, as well as the home telephone number or business telephone number of the owner, if known to the department. If the commissioner has commenced a court action against the owner, the sign may also provide the court case number and a telephone number for obtaining information on the next court date.

5. **PROCEDURE FOR PUBLISHING NAMES.** Whenever the commissioner posts a sign pursuant to sub. 3, the commissioner shall publish, in one or more daily or community newspapers, including at least one newspaper of general circulation in the community in which the property owner resides, a notice containing the same information presented on the sign.

6. **UNLAWFUL SIGN REMOVAL.** It shall be unlawful for any person to remove, cover, obliterate or deface any sign posted pursuant to sub. 3.

7. **ASSESSMENT OF COSTS.** The cost of razing, removal and site restoration or of sign-posting and newspaper notice publication pursuant to sub. 3 may be charged against the real estate upon which the building was or is located, and if that charge becomes delinquent, it shall be a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

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8. APPEALS. The standards and appeals commission is authorized to hear appeals of orders issued pursuant to this section and to grant relief from such orders as specified in s. 200-17.

CHAPTER 66
TOXIC AND HAZARDOUS SUBSTANCES

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SUBCHAPTER 1
ASBESTOS HAZARDS REGULATIONS

66-10. Definitions. In this subchapter:

1. ASBESTOS means any hydrated mineral silicate separable into commercially usable fibers, including but not limited to chrysotile (serpentine), amosite (cummingtonite-grunerite), crocidolite (riebeckite), tremolite, anthrophyllite and actinolite.

2. ASBESTOS ABATEMENT means to encapsulate, enclose, repair or remove asbestos containing material in order to eliminate an asbestos hazard.

3. ASBESTOS CONTAINING MATERIAL means any material that contains greater than 1% asbestos by weight, volume or other analytical method acceptable to the commissioner.

4. ASBESTOS PROJECT means any form of work performed in connection with the alteration, renovation, modification or demolition of a building, structure or equipment as defined in 200-08 or contaminated soil which will disturb asbestos containing material in the following amounts:

- a. Greater than or equal to 260 linear feet.
- b. Greater than or equal to 160 square feet.
- c. Greater than or equal to one cubic meter.

d. Any combination of material listed in pars. a, b and c which, when divided by the respective minimum project permit amount and totaled, equals or exceeds 1.0.

5. ASBESTOS PROJECT PLAN means a detailed description of the abatement project, including, but not limited to, a plan of operation, blueprints, diagrams or drawings. The plan shall include:

a. Information to indicate the location of materials containing asbestos.

b. Any environmental and occupational health control methods and techniques to be used in the abatement.

b. The level of training and certification of workers involved in the project.

d. The method by which the asbestos waste shall be disposed of.

e. Any other documentation or information pertaining to the abatement plan requested by the commissioner.

6. COMMISSIONER means the commissioner of neighborhood services or the commissioner's designated representative.

7. DEPARTMENT means the department of neighborhood services.

8. FRIABLE ASBESTOS means asbestos or any material or product which contains more than 1% asbestos by weight and that can be crumbled, pulverized or reduced to powder, when dry, by hand pressure.

9. OPERATIONS AND MAINTENANCE PROJECT means asbestos work performed within one calendar year in a structure or group of contiguous structures in which individual jobs do not exceed asbestos project permit requirements, but it is expected that the total amount of removal within that calendar year will exceed permit requirements.

10. PERSON means any individual, firm, corporation or other legal entity.

66-12. Asbestos Hazard Control. 1. FINDINGS AND INTENT. It is hereby found that exposure to airborne asbestos fibers and particles has been linked to various diseases. In the past, materials containing asbestos were used in buildings for fireproofing, insulation, soundproofing, decorative and other purposes. The predominant cause of asbestos becoming airborne is through the performance of building

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repairs, renovation and demolition, which causes the release of asbestos fibers, creating a hazard. It is the purpose of this subchapter to safeguard the public health by requiring that renovation and demolition projects which disturb asbestos be conducted in accordance with procedures established under this subchapter. It is also the purpose of this subchapter to safeguard the public health through monitoring and surveillance to determine hazardous forms and levels of asbestos in the environment and control such conditions to eliminate the exposure of the hazard to individuals.

2. ASBESTOS DECLARED A NUISANCE. a. It is hereby declared that asbestos in the environment which exposes or may expose individuals to hazardous forms and concentrations is a public health hazard and constitutes a public health nuisance which must be abated.

b. Any person disturbing materials containing asbestos in any concentration shall provide reliable monitoring data which show that airborne fiber concentrations do not exceed hazardous levels.

3. ASBESTOS PROHIBITED. No person may create or allow to exist on property owned or controlled by the person asbestos which is or may become a form and concentration that is hazardous according to standards adopted by the commissioner.

4. ASBESTOS ORDERS. The department may test the air, surfaces, substances or objects for hazardous forms of asbestos. If the department determines that a hazardous form of asbestos is present upon a premises or location, the commissioner shall issue orders to remove or treat the source of asbestos in order to eliminate or prevent the hazardous conditions. Orders shall be issued to the owner of the property or a responsible party acting on behalf of the owner.

5. ASBESTOS PROJECT PERMIT AND PLAN REQUIRED. a. No person may conduct, require or allow an asbestos project without obtaining an asbestos project permit approved by the department.

b. Applications for asbestos project permits shall be made on forms obtained from and returned to the department of neighborhood services.

c. Any person applying for a permit under s. 200-24 shall, at the time of application, submit a statement from an asbestos inspector, contractor/supervisor, management planner or asbestos project designer, certified by the state of Wisconsin, declaring whether the work required will include an asbestos project. If an asbestos project is included as part of the work, the permit under s. 200-24 shall not be issued without the concurrent application and issuance of an asbestos project permit.

d. Any person applying for an asbestos project permit shall include with the application a copy of the "Notice of Intent", submitted to the Wisconsin department of natural resources, pursuant to ch. NR447, Wis. Adm. Code, as amended, as well as a project plan, as defined in s. 66-10-5.

e. Applicants shall pay the fee required in s. 60-9 at the time of application.

f. An applicant applying for a permit under s. 200-24 for the following purposes shall not be required to obtain an asbestos permit:

f-1. New building construction, including electrical and plumbing work.

f-2. Any work involving a one or two-family residential garage.

f-3. Work affecting one or 2-family buildings, except where boiler repair or replacement is involved and amounts listed in s. 66-10-4 are exceeded.

f-4. Category I (NESHAP) resilient asphalt roofing and siding products containing more than 1% asbestos by weight removed in a non-friable manner.

g-1. In this paragraph, "asbestos regulation" means any of the following:

g-1-a. Abatement industry standards in occupational safety and health administration (OSHA) regulations, 29 CFR 1926.1101, as amended.

g-1-b. Federal asbestos hazard and emergency response act (AHERA) regulations, 40 CFR 763, as amended.

g-1-c. Control of asbestos emissions regulations, natural resources ch. NR 447, Wis. Adm. Code, as amended.

g-1-d. Asbestos certification and training accreditation regulations, health and family services ch. DHS 159, Wis. Adm. Code, as amended.

g-1-e. Asbestos hazard regulations in this subchapter.

g-2. An application for a permit may be denied or granted with conditions if any of the following conditions are met:

g-2-a. The applicant has been convicted of 3 or more violations of an asbestos regulation, all such convictions being on or after June 1, 1996 and no conviction being earlier than 24 months immediately preceding the application.

g-2-b. The applicant has committed repeated significant violations of asbestos regulations, as described in subd. 5.

g-3. A person whose application has been denied or granted with conditions under this paragraph, upon written petition to the commissioner, shall be afforded a hearing before the environmental health review board within 10 days of such petition. The hearing shall be conducted by the board which shall serve as an appeal board for all petitions for the issuance of any license under this section whose issuance has been denied or granted with conditions.

g-4. Based upon the record of a hearing under subd. 3, the commissioner shall enforce the decisions of the board. The commissioner shall furnish a written report of the hearing to the applicant.

g-5. The commissioner shall establish, maintain and, from time to time, revise a list of actions that constitute significant violations of asbestos regulations under this paragraph. The commissioner shall make the list readily available for inspection and review by the public.

5.5. PROTOCOL FOR DEMOLISHING AND RENOVATING BUILDINGS. a. The commissioner shall adopt an asbestos inspection and sampling protocol for buildings to be demolished or renovated. The protocol shall be based on state and federal regulations and shall specify the minimum departmental inspection and sampling requirements prior to beginning demolition or renovation of buildings.

b. The commissioner shall make the protocol available upon request at the department and shall furnish a copy of the protocol to the legislative reference bureau.

6. OPERATIONS AND MAINTENANCE PROJECT NOTIFICATION REQUIRED. a. No person may conduct, require or allow an

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operations and maintenance project without filing prior written notice with the department.

b. A copy of the "Notice of Intent" submitted to the Wisconsin department of natural resources shall be supplied to the department.

c. If, during the course of the calendar year, any phase of the operations and maintenance project exceeds asbestos project amounts, an asbestos project permit shall be obtained.

7. PLAN REVIEW AND MONITORING.

a. Asbestos project permit applications shall be submitted to the department for review at least 5 working days prior to commencement of project work. No asbestos project work may begin until a permit has been issued by the department.

b. Upon receipt of the application for an asbestos project, the department shall review the plans to determine if proper procedures will be followed. It may also view the site in connection with the application and also conduct any necessary monitoring or analysis.

c. Prior to issuance of the asbestos project permit, the applicant shall notify the department of the specific day and time that the work shall begin. The department may observe, monitor, sample and carry out any other necessary inspection to determine strict adherence to the approved plan of removal or treatment.

d. Following receipt of the applicant's notice under par. c, the department shall notify the fire department of the commencement and duration of the asbestos project and provide a description of the project. The fire department shall be granted access to any private property to observe, evaluate and monitor the removal or treatment of asbestos. The owner of the property or a responsible party acting on behalf of the owner shall notify the department prior to commencement of any ordered asbestos abatement work.

8. PERMIT SUSPENSION OR REVOCATION. a. If proper procedures and compliance with the approved plan are not followed or conditions result that create a hazardous environment, the commissioner may give written notice to suspend or revoke the asbestos project permit. When a permit is suspended or revoked, all work shall be stopped and the asbestos must be contained or sealed up pending correction of the violation and reissuance of the permit.

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b. Any decision of the commissioner under this subsection is effective unless the permit holder seeks a hearing on the decision under par. c.

c. Any person whose permit has been suspended or revoked may appeal the suspension or revocation by writing to the commissioner to request a hearing. Such letter shall be received by the commissioner no later than 5 calendar days following the permit action. After receipt of the petition, the commissioner shall schedule a hearing on the appeal within 10 working days.

d. The commissioner, after taking testimony, may affirm, revoke or alter the original action concerning the permit. If the person is not satisfied with the determination of the commissioner, he or she may request an administrative review of the commissioner's decision under s. 320-11.

9. ASBESTOS HAZARD VIOLATIONS. The following work practices shall be considered violations of this subchapter and may result in the issuance of a citation for each violation:

a. Removal, transport or storage of asbestos containing materials that have not been thoroughly wetted.

b. Failure to maintain continuous negative pressure in the asbestos abatement area, relative to the area immediately outside the critical barriers or containment walls, from the onset of abatement until final air clearance results of less than 0.01 fibers per cubic centimeter by phase contrast microscopy or 70 structures per square millimeter by transmission electron microscopy have been received. Deviations from these requirements, such as negative air glove bag removal, shall be clearly stated in the project plans. Where, due to ambient conditions, clearance results below 0.01 fibers per cubic centimeter cannot be obtained, the department shall be notified of such circumstances and the department shall determine whether or not further testing will be required. Air clearance test results must be submitted to the department within 10 working days of completion of the project.

c. Failure to monitor worker exposure to airborne asbestos fibers. At least one of every 4 workers in the containment area shall be tested each day. When statistically reliable monitoring data obtained under workplace conditions closely resembling typical processes, types of materials, control methods, work

practices and environmental conditions indicates that employee exposure will not exceed the action level or excursion limit, daily monitoring may be discontinued for those employees whose exposures are represented by such monitoring. Such monitoring data shall be available for immediate review at the abatement site. When all employees within a regulated area are equipped with supplied air respirators operated in the positive pressure mode, daily monitoring may not be required.

d. Presence in the abatement area of a person who is not wearing a proper respiratory protective device or protective clothing.

e. Failure to provide windows in the containment wall that afford an unobstructed view of the abatement work area. If the abatement plans clearly indicate that it is not possible to view the work area through any windows, the commissioner may omit this requirement.

f. Failure to provide, at a minimum, a 3-stage decontamination unit which is contiguous to the containment area and equipped with hot and cold or warm water and waste water filtration. Any deviation from this provision, such as remote or central decontamination units, shall be clearly specified in the asbestos project plans.

g. Conducting asbestos abatement activities without a permit, before the effective date of the permit or after the expiration date of the permit. Permit extensions shall be applied for and approved prior to expiration of the permit. An application to revise the start date of a project shall be submitted to and approved by the department prior to the start date specified on the original permit.

h. Failure to provide on-site emergency plans which include the means by which emergency assistance can be rapidly summoned to the abatement site. Clearly marked emergency fire exits shall be provided in each containment area.

i. Conducting abatement activities with employees who have not been certified by the state of Wisconsin to be asbestos workers. An asbestos supervisor certified by the state of Wisconsin shall be on the abatement site at all times during which abatement activities are in progress. Certification shall not be required for employees conducting abatement operations in any building owned by their employer.

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j. Failure to secure the abatement site or post warning signs at all entrances to the abatement area.

k. Any action or failure to take action which may result in exposure of abatement workers, the public or the environment to asbestos.

L. Failure to comply with all the requirements of the asbestos inspection and sampling protocol for buildings to be demolished or renovated, under sub. 5.5.

m. Failure to clean abated surfaces, equipment used in abatement or the floors, walls and surfaces in the containment area so that they are free of asbestos containing residues prior to disrupting negative pressure in the enclosure or regulated area.

10. ASBESTOS ABATEMENT. a. The commissioner may use the authority delegated under ch. 17 of the charter to preserve the public health, and to summarily abate or remove a nuisance, and may assess the cost of such action, along with city costs, as a lien against the property and may be collected as a special charge in accordance with s. 17-12 of the charter.

b. An appeal may be filed to contest abatement charges. The written request for a hearing shall state the grounds for the appeal and shall be made to the administrative review appeals board within 30 days of the date of notice of the assessment.

11. DISPOSABLE CLOTHING. An asbestos project permittee, when conducting an asbestos project, shall keep on the premises a minimum of 10 suits of disposable clothing for asbestos work which shall be utilized by emergency medical personnel or fire department personnel responding to an emergency medical services call or by employees of the department of neighborhood services.

12. EXEMPTION. Subchapter 1 does not apply to the Milwaukee public schools.

66-19. Penalty; Enforcement. 1. Any person who violates this subchapter or fails to obey an order of the commissioner to conform to this subchapter shall be liable upon conviction to a Class J penalty under s. 61-16. Each and every act of violation, disobedience, omission, neglect or refusal shall constitute a separate offense.

2. Citations may be issued for all violations of this subchapter with or without prior order or notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

SUBCHAPTER 2
LEAD POISONING PREVENTION
AND CONTROL

66-20. Purpose. 1. The federal centers for disease control and prevention report that lead provides no known biological benefit to human beings. Lead can produce adverse effects on virtually every system in the body. It can damage the kidneys, the nervous system, the reproductive system and cause high blood pressure. Very high blood lead levels cause devastating health consequences including seizures, coma and death.

2. Lead is especially harmful to the developing brains of fetuses and young children. There may be no lower threshold for some of the adverse effects of lead in children. A minute amount of ingested lead can cause elevated blood lead levels and irrevocable developmental damage to a young child. In addition, the harm that lead causes to children increases as their blood lead levels increase. Elevated blood lead levels in children can result in learning disabilities, behavioral problems and mental retardation.

3. Because of the risk that lead presents to the public health, especially to children, the purpose of this subchapter is to ensure the protection of public and environmental health through identification of lead hazards by a health department inspection and subsequent regulation of lead hazard reduction activities on premises which have received written health department orders. The subchapter is specifically intended to protect young children from exposure to lead-based nuisances. This protection will be achieved by first identifying lead hazards in a health department inspection, primarily those hazards resulting from the presence of lead-based paint, and subsequently regulating lead hazard reduction activities on premises which have received written health department orders as a result of the health department inspection.

4. To protect the children of this community, the health department may inspect a property whenever a child who lives in or visits the property is identified with a blood lead level at which the U.S. public health service, center for disease control and prevention, lead poisoning prevention guidelines recommend environmental intervention; a citizen reports to the health department the presence of a lead hazard

accessible to children; health department personnel identify a possible lead hazard accessible to children; or when community-level interventions are done in targeted housing constructed before 1978.

5. In general, the subchapter only applies to those residential and commercial properties where children reside or visit and in which a health department inspection has identified lead hazards. It is not the intent of this subchapter to regulate routine preventive maintenance activities unless those activities create a lead-based nuisance. It is not the intent of this subchapter to regulate routine preventive maintenance activities on residential or commercial properties when such activities do not create a lead-based nuisance. Specifically, it is not the intent of this subchapter to regulate any of the following activities if they do not create a lead-based nuisance:

a. Preventive maintenance including, but not limited to, repainting over or covering lead-based paint with nonlead-based paint and performing cleaning activities designed to maintain a no-lead hazard or reduced lead hazard condition.

b. Disturbing lead-based paint surfaces incidental to the performance of remodeling, renovation or repair activities where the intent of the project is not to reduce the hazard or potential hazard of lead exposure.

66-21. Definitions. In this subchapter:

1. ABATEMENT means any activity or set of activities with the intent to permanently remove, encapsulate, enclose or replace lead based nuisances to include all site preparation, specialized initial and preclearance cleaning and waste disposal associated with those activities.

2. APPROVED or APPROVED BY THE COMMISSIONER means those materials, products and work methods that are included on the descriptive lists prepared by the commissioner and made available to the public under s. 66-22-12.

3. APPROVED LEAD HAZARD REDUCTION CONTRACTOR means an individual, through state of Wisconsin certification, who can perform the safe and proper lead hazard reduction of lead based nuisances in dwellings, dwelling units, supplemental locations and premises.

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4. CHILD means any youth under 7 years of age.

5. CLEARANCE STANDARD means criteria set forth by the department for purposes of evaluating the effectiveness of lead hazard reduction activities.

6. COMMISSIONER means the commissioner of health or an authorized representative.

7. DEPARTMENT means the health department.

8. DUST-WIPE SAMPLING means department method for determining lead dust levels on the surfaces of dwellings, dwelling units, supplemental locations or premises.

9. DWELLING means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants including any appurtenances attached thereto.

10. DWELLING UNIT means any structure, vacant or occupied, all or part of which is designed for human habitation.

11. ELEVATED BLOOD LEAD LEVEL means a concentration of lead in whole blood at the current level set by the U.S. public health service, center for disease control and prevention.

12. 5-DAY HAZARD CONTROL means department-ordered cleaning of lead based surfaces for the purposes of immediately reducing lead hazards within 5 days following completion of a department lead hazard inspection and receipt of department orders. Acceptable methods of control include use of HEPA vacuums, wet wiping of surfaces.

13. HEPA VACUUM means a high efficiency particulate air vacuum or similar device capable of removing particles 0.3 microns or greater at 99.97% efficiency.

14. INTERIM CONTROL ACTIVITY means any activity or set of activities intended to temporarily reduce human exposure or likely exposure to a lead nuisance, including but not limited to initial and pre-clearance cleaning, temporary containment and minor repairs or maintenance activities such as painting.

15. LEAD-BASED NUISANCE means any lead based substance, surface or object which may reasonably contribute to an elevated blood lead level due to lead content, condition or location and which is accessible to children and is declared a public health nuisance as defined in s. 80-1-4.

16. LEAD BASED SURFACE means any painted or coated surface, having a lead content greater than or equal to .7 mg/cm² as measured by an x-ray fluorescence analyzer, or greater than or equal to .06% lead by weight as determined by laboratory analysis or other department field method.

17. LEAD HAZARD REDUCTION ACTIVITY means any activity or set of activities intended to permanently or temporarily reduce human exposure to lead based nuisance hazards through abatement or interim control of lead based surfaces, lead contaminated dust or lead contaminated soil.

18. LEAD HAZARD REDUCTION PROJECT means the application of any abatement or interim control activity designed to eliminate or reduce lead based nuisance as identified and ordered by the department, or as identified by the department and funded by the U.S. department of housing and urban development, including:

a. Defective or deteriorated lead based surfaces extending cumulatively over an area greater than or equal to 10 square feet which are damaged due to friction, impact, chipping, peeling, flaking or water or moisture damage.

b. Leaded dust that has accumulated in amounts greater than or equal to U.S. environmental protection agency lead in dust standards, as amended.

c. Lead in soil that has accumulated in amounts greater than or equal to U.S. environmental protection agency lead in soil standards, as amended.

19. OWNER means any person who alone or jointly or severally with others:

a. Has legal or equitable title to any dwelling, dwelling unit, supplemental location or premises; or

b. Has charge, care or control of the dwelling, dwelling unit, supplemental location or premises as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

20. PREMISES means any portion of a platted or unplatted lot, parcel or plot of land either occupied or unoccupied by any building or structure, equipment or property of any kind.

21. PREVENTIVE MAINTENANCE means any of the following activities if they do not create a lead-based nuisance:

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a. Interim control activities, including repainting over or covering lead-based paint with nonlead-based paint and performing cleaning activities designed to maintain a no-lead hazard condition.

b. Disturbing lead-based paint surfaces incidental to the performance of remodeling, renovation or repair activities where the intent of the project is not to reduce the hazard or potential hazard of lead exposure.

22. STANDARD TREATMENT means a department-approved lead hazard reduction method required for compliance with department orders.

23. SUPPLEMENTAL LOCATION means any dwelling, dwelling unit or premises where any person cares for, teaches, trains or supervises a child, including any structure adjacent to the dwelling unit of a lead poisoned child.

24. TARGET HOUSING means any dwelling constructed prior to 1978, except a dwelling for the elderly or persons with disabilities or any dwelling without a bedroom unless a child occupies or is expected to occupy the dwelling.

25. VISUAL EXAMINATION means an inspection by department staff of standard treatments conducted by trained or certified individuals, for the purposes of ensuring that work quality matches department specifications as set forth in the standard treatments.

26. WET-SCRAPED means the moistening of a surface to limit the creation of airborne dust during the removal of a coating containing lead, while containing all runoff of the wetting agent for proper disposal.

66-22. Lead Poisoning Prevention and Control Regulations. 1. PROHIBITED ACTS. a. No owner or person may create or knowingly allow to exist in or on their property any lead-based nuisance, as defined in s. 66-21-15.

b. No person may apply lead bearing coatings having a lead content greater than or equal to 0.06% by weight, calculated as lead in the total nonvolatile content or any other coating material which would result in a lead based surface to:

b-1. Any exposed surface on the interior or exterior of a dwelling, dwelling unit, supplemental location or premises.

b-2. Any object to be used inside, outside or upon any exposed surface of a dwelling, dwelling unit, supplemental location or premises.

2. WARNING LABEL REQUIRED.

a. No person may store, sell, give away or accept any paint, coating material or object which has a lead content greater than or equal to 0.06% by weight, calculated as lead metal in the total nonvolatile content of the liquid, including any additives, or a finished surface that contains lead at a concentration greater than or equal to .7 milligram per square centimeter, unless such paint, coating material or object has a securely attached, prominently displayed and easily read label with the following wording:

WARNING!
Contains Lead!
Harmful If Consumed!
KEEP OUT OF REACH OF CHILDREN.
DO NOT APPLY WHERE
ACCESSIBLE TO CHILDREN.

b. The warning statement shall also be required on any accompanying literature, instructions or directions.

c. The warning label requirement does not apply to dwelling units.

3. ENFORCEMENT. a. The department may conduct an inspection of a dwelling, dwelling unit, supplemental location or premises on surfaces, substances or objects which the department has reason to believe constitutes a lead based nuisance and may also take samples of materials which are believed to contain lead for further laboratory analysis.

b. If the department is refused admittance to any dwelling, dwelling unit, supplemental location or premises to conduct an environmental inspection, the commissioner may apply for and obtain a special warrant pursuant to s. 66.0119, Wis. Stats., to gain access.

c. If the department determines that a lead based nuisance exists in or upon a dwelling, dwelling unit, supplemental location or premises, the department may:

c-1. Notify the occupant or the occupant's representative and the owner, that lead based nuisances are present and that they constitute a health hazard.

c-2. Issue orders for lead hazard reduction activities to address those lead-based nuisances found to exceed allowable lead levels as provided in s. 66-21-18. The order shall state that the order may be appealed, the deadline by which the appeal must be filed and the entity to which the appeal must be made.

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d. If orders are not complied with by the expiration date, the commissioner may, provided the department has funds available, secure an appropriate court-issued warrant for entry to the premises to abate or remove the nuisance and use the authority delegated under ch. 17 of the charter to summarily abate or remove a nuisance. The city may assess the cost of such action, not to exceed 40% of the assessed market value of the property, as a special charge upon the property.

d-1. In addition to the principal remaining unpaid, interest shall be added commencing after the billing date of the invoice. The interest rate charged shall be that specified in s. 115-42-8-b-3. A 45-day grace period for payment will be granted from the date of billing and if not paid within such period, interest shall be charged on a restorative basis to the date of billing.

d-2. After being placed on the tax roll, such amounts of special charges shall be paid within the time allowed for the payment of general property taxes. If the owner fails to pay a special charge within the time allowed for payment, it shall become delinquent and be treated in the same manner and subject to the same laws as a delinquent property tax.

4. **LEAD HAZARD REDUCTION PROJECT PERMIT REQUIRED.** Except as otherwise provided in par. a, no person may conduct or perform work on a lead hazard reduction project without obtaining a lead hazard reduction project permit approved by the department. Permit-holders shall follow the interior and exterior lead hazard site preparation and reduction standards in subs. 5 to 9.

a. Permit and certification exceptions.

a-1. A permit shall not be required for:

a-1-a. Work involving repair to less than 10 square feet of lead-based nuisance.

a-1-b. Work involving repair to comply with a 5-day hazard control order.

a-1-c. Preventive maintenance.

a-2. On a lead hazard reduction project, the department may approve the use of non-certified workers on the project site if the workers do not participate in activities that create a lead based nuisance or that, intentionally or incidentally, disturb lead based paint. These activities include, but are not limited to repainting

or siding application after lead-based paint hazards have been stabilized or building a new porch after an old porch has been safely removed. The department may require the oversight of such non-certified workers by a certified supervisor at a project site.

b. Applications. Applications for permits shall be made on forms obtained from and returned to the department.

b-1. Applicants are required to be state-certified as provided for in Wis. Adm. Code ch. DHS 163, as amended, and shall pay the fee required in s. 60-54, prior to the issuance of a permit.

b-2. An application to revise the start date of a project shall be submitted to and approved by the department prior to the start date specified on the original permit.

b-3. Permit extensions shall be applied for and approved prior to expiration of the permit. The department may charge a fee for a permit extension.

c. Posting of Permit. The permit shall be posted in a conspicuous location at the reduction site until the reduction has been completed.

d. Permit Denial or Granting with Conditions. d-1. An application for a permit may be denied or granted with conditions if the applicant has been convicted of 3 or more project violations under par. h on or after November 18, 1998 and at least 3 convictions were on account of actions occurring within the 24 months immediately preceding the date of application.

d-2. Whenever a permit is denied or granted with conditions under subd. 1, the commissioner shall so notify the applicant in writing. The notice shall state that the applicant may appeal the decision under sub. 13 and shall specify how such appeal may be made.

e. Commissioner to Enforce Appeal Decisions. Based upon the record of a hearing conducted under sub. 13, the commissioner shall enforce the decision of the board.

f. List of Significant Violations for Public Inspection. The commissioner shall establish, maintain and periodically revise as necessary, a list of specific actions which constitute significant violations of under par. h. The commissioner shall make the list readily available for public inspection.

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g. Permit Suspension. g-1. If proper procedures and compliance with the approved treatments are not followed or conditions result that create a hazardous environment, the commissioner may give written notice to suspend the lead hazard reduction permit. When a permit is suspended, all work shall be stopped and the lead hazards must be contained or cleaned pending correction of the violation and reissuance of the permit.

g-2. Any decision of the commissioner under this paragraph is effective unless the permit holder seeks a hearing on the decision under subd. g-3.

g-3. Any person whose permit has been suspended may appeal the suspension by delivering a written request for a hearing to the commissioner no later than 5 working days following the permit action. The commissioner shall schedule a hearing on the appeal within 10 working days after the commissioner's receipt of the request for hearing.

g-4. After taking testimony at the hearing, the commissioner may affirm, reverse or alter the original action concerning the permit. The commissioner shall provide the appellant with a written notice of his or her decision. The notice shall state that the person may appeal the decision under sub. 13 and shall specify how such appeal may be made.

h. Lead Hazard Reduction Project Violations. The following practices shall be considered violations of this subchapter and may result in the issuance of a citation for each violation:

h-1. Conducting lead hazard reduction projects without a permit, before the effective date of the permit or after the expiration date of the permit.

h-2. Conducting lead hazard reduction projects with an employee or worker who has not been certified under Wis. Adm. Code ch. DHS 163, except as authorized in subd. a-2.

h-3. Conducting lead hazard reduction projects without having a lead supervisor certified by the state of Wisconsin on the lead hazard reduction site when reduction activities are in progress.

h-4. Failure to meet performance date criteria set forth on lead hazard reduction permits.

h-5. Failure to meet specifications of the standard treatments or equally protective treatments as mutually agreed upon between the owner and the department.

h-6. Failure to secure the lead hazard reduction site or post warning signs at all entrances or exits to the lead hazard reduction area.

h-7. Failure to provide department approved interior or exterior containment prior to or during lead hazard reduction projects.

h-8. Failure to properly decontaminate the areas undergoing lead hazard reduction by using a HEPA vacuum, washing with a general purpose detergent and rinsing with clear water.

h-9. Removal, containment, storage, transport or disposal of lead containing materials in an unsafe manner.

h-10. Subcontracting for an activity related to a lead hazard reduction project prior to final visual examination, clearance dust sampling and approval by the department.

h-11. Failure to be in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code chs. DHS 163 and NR 600 to 685, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations.

5. HAZARD REDUCTION REGULATIONS. a. Signs to be Posted. Prior to the reduction of lead from any area in a dwelling, dwelling unit, supplemental location or premises, caution signs measuring 20 inches by 14 inches, issued by the department at the time the permit is obtained, shall be posted at all entrances and exits.

a-1. The signs shall read:

DANGER - LEAD PAINT DUST HAZARD.

a-2. Signs shall be posted at least one day prior to the commencement of the reduction activities, and remain in place for the duration of the project, unless otherwise authorized by the commissioner.

b. Notice to Occupants. The permittee shall provide written and oral notification of planned lead hazard reduction activities to occupants of a dwelling, dwelling unit, supplemental structure or premises.

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c. Compliance with Other Laws. All lead hazard reduction activities shall be performed in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code chs. DHS 163 and NR 600 to 685, as amended, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations, as amended.

d. Site Inspection. The commissioner may inspect and sample any dwelling, dwelling unit, supplemental location or premises at any time during the reduction process to insure compliance with reduction standards. Evaluation procedures including, but not limited to, visual examination, wipe sampling, soil testing, air sampling and x-ray fluorescence analysis may be used.

6. INTERIOR SITE PREPARATION.

a. Furnishings shall be removed from each room or area as it is prepared for reduction or covered with plastic at least 6 mils thick and sealed with tape. All furnishings remaining in the reduction area shall be HEPA vacuumed prior to unit reoccupancy.

b. All heating, ventilating, air conditioning openings and entrances to a reduction site, with the exception of the entrance used by workers, shall be sealed with plastic at least 6 mils thick and taped to prevent contamination by lead dust or particles. The entrance used by workers shall have 2 layers of 6 mils thick plastic attached at the top edges of the doorway and at opposite sides to form a z-door.

c. Where lead hazard reduction activity is in process, interior floors shall be covered with 2 layers of 6 mil plastic. However, the use of 6 mil plastic as an engineering control may vary according to projects and its application and placement is subject to department approval prior to and during the course of a lead based reduction project.

7. INTERIOR LEAD HAZARD REDUCTION STANDARDS. a. Initial Cleaning. Interior areas, including all interior surfaces, woodwork, wood trim, walls, ceilings, windows and floors and all exterior window sills and wells, identified as being in violation of sub. 1 shall be thoroughly cleaned with a HEPA vacuum and washed with a general purpose detergent within 5 calendar days of receipt of notice from the commissioner.

b. 5-Day Hazard Control. All surfaces in violation of sub. 1 which have had a preventive cleaning as provided in par. a and which are accessible to children, must be taped or covered until additional procedures to control the lead hazards have been concluded.

c. Permissible Methods. Permissible methods for the removal of lead-based coatings from all surfaces shall include the use of any of the following: wet scraping, a heat gun (less than 1,100 F), chemical strippers which do not contain methylene chloride and HEPA vacuum assisted electric planers. The affected areas can then be covered with non-lead based primer and paint, encapsulant or enclosure material such as vinyl or aluminum, to include caulking seams and edges and anchoring with mechanical fasteners.

d. Prohibited Methods. The removal of lead-based coatings by sanding, sandblasting, pressure washing, grinding, the use of an open flame torch, or strippers containing methylene chloride, vacuuming with non-HEPA-equipped household or shop vacuums, dry sweeping in areas that are not properly contained and sealed, or any method that allows lead dust to become airborne, is prohibited. The department may approve exceptions to these prohibitions, contingent upon the existence of adequate engineering controls to eliminate lead exposure to occupants or workers.

e. Treatment of Surfaces of Dwelling Unit Interior Structures.

e-1. Dwelling unit interior structures must first be maintained or corrected to structurally sound and sanitary condition in accordance with the standards provided in ss. 275-33 and 34. All interior surfaces that are identified as lead based nuisances shall be treated with methods in accordance with par. c and shall be repaired to have structurally sound and smooth surfaces. Those surfaces must be HEPA vacuumed, washed with a general purpose detergent and then coated, covered or enclosed with a non-lead-based coating, encapsulant or material approved by the commissioner pursuant to department orders.

e-2. Floors having deteriorated lead-based surfaces shall be covered with vinyl tile, vinyl sheet goods, linoleum flooring or other approved materials. Chemical stripping of a floor shall be permissible.

e-2-a. Varnish or other approved sealants may also be used on floors having deteriorated lead-based surfaces, provided the floors are carpeted or covered in a manner approved of by the commissioner after they are sealed.

e-2-b. Wood floors having deteriorated lead-based surfaces from a varnish, stain, urethane or shellac finish may be treated with a sealant approved by the commissioner.

e-3. The lead-based surfaces of exterior window sills or wells (troughs) shall have all the lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or be replaced with wood not covered with a lead-based surface or be enclosed with vinyl or metal. Any exterior window sill surfaces treated for lead hazard reduction shall be smooth and cleanable.

e-4. The lead-based surfaces of sash tracks of double hung windows shall either have all lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or coating, or shall have single or double sash track liners installed with remaining exposed lead-based surfaces removed to bare wood and then stabilized with a non-lead-based primer and paint or coating. This requirement does not apply to non-deteriorated exposed exterior sash tracks that are not subject to friction and are protected from weathering.

e-5. The lower sashes of double hung windows which have deteriorated lead-based surfaces shall have all the lead-based surfaces removed to bare wood and then stabilized with a non-lead-based primer and paint or coating.

e-6. The upper sashes of double hung windows which have deteriorated lead-based surfaces of 20% or more of their coated surface area shall have all the lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or coating. Upper sashes which have deteriorated lead-based surfaces of less than 20% of their coated surface area shall have all lead-based surfaces and glazing removed from deteriorated areas and then be stabilized with a new glazing material, non-lead-based primer and paint or coating.

e-7. All other window component surfaces which have deteriorated lead-based surfaces shall have all deteriorated lead-based surfaces removed and then be stabilized with a non-lead-based primer and paint or coating. Any window component surfaces receiving lead hazard reduction shall be smooth and cleanable.

e-8. Lead based surfaces that are free of deterioration except for chalking may be washed and repainted with a non-lead based paint or coating. This does not apply to floors, exterior window sills, wells, troughs and double-hung window sash tracks.

e-9. Storm windows covering windows that have received lead hazard reduction shall be repaired to a weatherproof and waterproof condition with glass intact. All wooden storm windows with deteriorated lead-based surfaces shall have the deteriorated lead-based surfaces removed and shall be stabilized with a non-lead-based primer and paint or coating.

e-10. Complete window units or individual window components such as sashes may also be replaced with materials free of lead-based surfaces. A window trough insert may be used where an operational, intact and complete combination storm/screen window is present and a window trough lead hazard has been identified by the department. After replacement, any remaining exposed window surfaces must meet the requirements specified in subds. 3 to 8.

f. Final Cleaning. After the entire lead hazard reduction process has been completed, a final HEPA vacuum, wash with a general purpose detergent and rinse with clear water of all interior surfaces in the dwelling unit or supplemental location must be done.

g. Removal of Waste. At the end of the work day, all waste resulting from the lead hazard reduction process shall either be collected, contained or stored in a secure area, or shall be collected, contained and removed from the reduction site and be disposed of as provided in sub. 11.

8. EXTERIOR SITE PREPARATION.

a. Exterior lead hazard reduction work shall be performed in a manner that will prevent leaded waste from coming into contact with the ground or from entering the interior of the dwelling, dwelling unit, supplemental location or premises.

b. All windows and doors of the dwelling, dwelling unit or supplemental location shall be kept closed while lead hazard reduction is being conducted.

c. Six mil plastic to collect reduction waste shall be attached to and extend at least 6 feet from the foundation and at the base of the structure being worked on and in all cases adequate to contain any falling debris.

d. At the end of the work day, all waste resulting from the lead hazard reduction process shall either be collected, contained or stored in a secured area, or shall be collected, contained and removed from the work site and be disposed of as provided in sub. 11.

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9. EXTERIOR LEAD HAZARD REDUCTION STANDARDS.

a. Treatment of Surfaces of Dwelling Exterior Structures. a-1. Dwelling exterior structures first must be maintained or corrected to a structurally sound, weatherproof and watertight condition in accordance with the standards provided in ss. 275-32 and 34.

a-2. Exterior surfaces that are identified as lead-based nuisances shall have the deteriorated lead-based surfaces removed in accordance with sub. 7-c and shall be repaired to be structurally sound, weatherproof, watertight and smooth surfaces. Exterior surfaces shall then be coated with non-lead-based primer and paint, aluminum, vinyl or steel siding or a covering approved by the commissioner pursuant to department orders.

a-3. When lead hazards have been identified on any portion of the exterior sill of an operational, intact and complete combination storm/screen window, the sill and window casing on the outside of the combination storm/screen portion of the window shall be identified and treated as an exterior lead hazard.

b. Treatment of Contaminated Soil. In the event of contamination of soil with lead particles, the commissioner may order that the soil be removed to a depth of 3 inches and be replaced with uncontaminated soil or be covered pursuant to department orders. Any contaminated soil shall be disposed of as provided in sub. 11.

10. CLEARANCE STANDARD.

a. Dust-Wipe Sampling.

a-1. Dust-wipe sampling and analysis shall be performed by the department.

a-2. Clearance dust-wipe levels must be less than the lead in dust standards established by the U.S. department of housing and urban development under the authority of the housing and community development act of 1992, section 403, and found at 60 Fed. Reg. 47,247 (1995), (to be codified).

a-3. The department shall conduct dust wipe sampling as promptly as possible after the department has been notified that lead hazard reduction activities have been completed, and shall make every reasonable attempt to conduct sampling within 5 working days.

b. Final Visual Examination. Inspection shall be conducted by the department to determine full compliance with inspection orders prior to clearance dust sampling.

11. DISPOSAL OF LEAD HAZARD ABATEMENT WASTE. Waste generated from lead hazard reduction shall be disposed of in a manner that will not endanger the health or well-being of the occupants, neighbors or community and shall be in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code ch. DHS 163 and chs. NR 600 to 685, as amended, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations, as amended. At no time shall leaded dust be allowed to become airborne during disposal.

12. APPROVED MATERIALS, PRODUCTS AND WORK METHODS. The commissioner shall prepare and make available without charge to the public a descriptive list of the following specific materials, products and work methods:

a. Material approved by the commissioner for coating, covering or enclosing interior surfaces that are identified as lead based nuisances, as referenced in sub. 7-e-1.

b. Other materials approved for covering floors having deteriorated lead-based surfaces, as referenced in sub. 7-e-2-0.

c. Other sealants approved for use on floors having deteriorated lead-based surfaces, as referenced in sub. 7-e-2-a.

d. Manner approved by the commissioner for covering floors having deteriorated lead-based surfaces on which varnish or other approved sealants have been used, as referenced in sub. 7-e-2-a.

e. Sealant approved by the commissioner for treating wood floors having deteriorated lead-based surfaces from a varnish, stain, urethane or shellac finish, as referenced in sub. 7-e-2-b.

f. Covering approved by the commissioner for coating exterior surfaces that are lead-based nuisances, as referenced in sub. 9-a-2.

13. APPEALS TO ENVIRONMENTAL HEALTH BOARD. a. A person who seeks to appeal an order or other action of the department or the commissioner shall file a written appeal with the environmental health board within 5 working days after the person has received written notice of the order or action being appealed. The appeal shall state with specificity the reason that the appellant believes the order or action was taken in error.

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b. Upon receipt of a written appeal, the board shall within 10 days notify the appellant of the date, time and place of the hearing.

c. The board shall serve the appellant with written notice of the hearing. The notice shall be served so that the appellant has at least 5 working days' notice of the hearing. The hearing notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement that an opportunity will be given to the appellant to challenge the order or action, present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-3. A statement that the appellant may be represented by an attorney of the appellant's choice at the appellant's expense, if the appellant so wishes.

d. At the hearing, the board chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the appellant admits notice. The chair shall advise the appellant that the appellant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the appellant may simply make a statement to the board.

e. A due process hearing shall be conducted in the following manner:

e-1. All witnesses will be sworn in.

e-2. The department or commissioner shall proceed first.

e-3. The appellant shall be permitted an opportunity to cross-examine.

e-4. After the conclusion of the evidence of the department or commissioner, the appellant shall be permitted to present the appellant's own witnesses, subject to cross-examination.

e-5. Board members may ask questions of witnesses.

e-6. Both the department or commissioner and the appellant shall be permitted a brief summary statement.

e-7. The board, in its discretion, may allow the filing of written briefs.

f. The recommendations of the board regarding the appellant must be based on evidence presented at the hearing.

g. The board may affirm, reverse or modify the original order or action of the department or commissioner. The board may make a decision immediately following the hearing or at a later date. The board shall provide its decision in writing to the commissioner and the appellant.

66-29. Penalty. 1. Any person who violates any provision of s. 66-22 or who fails to obey an order of the commissioner to conform to those provisions shall be liable upon conviction to a Class J penalty as provided in s. 61-16.

2. If a person continues in violation of an order, the person shall be liable for further prosecution, conviction and punishment upon the same order without the necessity of the commissioner issuing a new order.

3. Non-compliance of orders issued under s. 66-22-3-c-2, may result in the issuance of citations, as provided in s. 50-25.